

# City of Willoughby Hills

## Regular Council Meeting Minutes of November 12, 2009

*All Council Meetings shall be recorded by audio recording device and will be held in perpetuity and shall be part of the official records and minutes. Written minutes of Council shall be shortened whenever possible.*

**7:00 p.m.** Meeting of Council Called to Order by Vice President David A. Reichelt serving as President Pro-tem.

### *Pledge of Allegiance*

### Roll Call of Council

**Members Present:** Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, Councilman Frank A. Germano, Vice President David A. Reichelt, Councilman Raymond C. Somich, Councilman Christopher L. Biro

**Absent:** President Kevin D. Malecek, Law Director Thomas G. Lobe

**Also Present:** Mayor Robert M. Weger, Finance Director Joseph G. Mirtel, City Engineer Richard J. Iafelice Clerk of Council Victoria Ann Savage

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Somich to excuse President of Council Kevin D. Malecek.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

President Pro-tem Reichelt declared that President Malecek has been excused from attending the Regular Council Meeting of November 12, 2009.

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to appoint Councilman David M. Fiebig to serve at Vice President Pro-tem.

**Roll Call: 5 AYES – with Councilman Fiebig abstaining**

**MOTION PASSES**

President Pro-tem Reichelt declared that Councilman Fiebig will be serving as Vice President Pro-tem for the Regular Council Meeting of November 12, 2009.

### **Disposition of the Journal Regular Council Meeting of October 22, 2009**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to approve the Regular Council Meeting Minutes of October 22, 2009 as corrected. The time of adjournment was listed as 8:04 p.m. and was corrected to read 9:04 p.m.

**Roll Call: 5 AYES – with Councilwoman Fellows abstaining**

**MOTION PASSES**

President Pro-tem Reichelt declared that the Regular Council Meeting Minutes of October 22, 2009 have been approved as submitted.

### **Special Council Meeting of November 2, 2009**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Germano to approve the Special Council Meeting Minutes of November 2, 2009 as submitted.

**Roll Call: 5 AYES – with Councilman Somich abstaining** **MOTION PASSES**  
**President Pro-tem Reichelt declared that the Special Council Meeting Minutes of November 2, 2009 have been approved as submitted.**

#### ***Correspondence***

- John E. Tigue, Director of Support Services to Ohio Environmental Protection Agency – DEFA, dated October 27, 2009 re: City of Willoughby Hills/ECTW Area “C”/Site Title Opinion – Certification of Right-of-Way
- Letter from Resident located at 3049 Rockefeller Road to Willoughby Hills Council, dated October 29, 2009 re: Repair of White Road, West of Bishop
- Mayor’s Monthly Statement for October 2009
- City Engineer’s Status Report for November 2009
- **FINANCIAL REPORTS: CASH RECONCILIATION, PURCHASE ORDERS AND FUND BALANCE CHANGE ANALYSIS FOR THE MONTH ENDING OCTOBER 2009**
- **LETTER FROM THE PLANNING & ZONING COMMISSION AND ARCHITECTURAL BOARD OF REVIEW TO KEVIN D. MALECEK, COUNCIL PRESIDENT, DATED OCTOBER 28, 2009 RE: PROPOSED SIGN CODE CHANGES**

#### ***Notifications***

- Board of Building & Zoning Appeals Meeting of November 10, 2009
- Board of Building & Zoning Appeals Notification for Case No. 2009-2
- Personnel Relations Committee Meeting of November 5, 2009
- Planning and Zoning Commission Meeting of November 5, 2009
- Rules & Legislation Committee Meeting of November 9, 2009
- Safety Committee Meeting of November 9, 2009

#### ***Minutes***

- **Personnel Relations Committee Meeting of October 22, 2009**
- **Personnel Relations Committee Meeting of November 5, 2009**
- Planning and Zoning Commission & Architectural Board of Review Meeting of October 1, 2009
- Recreation Commission Meeting of September 1, 2009

#### ***On File***

- Willoughby Hills Activity Pages for November 2009 – Issue Number 11
- Cities & Villages for September/October 2009

#### **MAYOR’S REPORT – Robert M. Weger**

- Thanked everyone for voting YES on Issue 4 to Renew the Road Levy
  - Ordinance No. 2009-84 to purchase a Snow Plow
  - Leaf Pick Up
  - Grand Opening/Dedication of the Willoughby Hills Community Center Art Gallery
  - New Business – X-Press Pack Shipping and Packing Services
  - Welcomed Pastor Rick Reynolds of Maplegrove Alliance Church
  - Two New Recreation Members Gloria Majeski and Barb Araps
  - Thanked everyone who helped with the Veteran’s Memorial Service
- Events:

December 1	Christmas Card Lane – Opens
December 12	Breakfast with Santa

#### **LAW DIRECTOR’S REPORT – Thomas G. Lobe, L.L.P.**

- Law Director Lobe was absent; therefore no formal report was given.

## **FINANCE DIRECTOR'S REPORT – Joseph G. Mirtel**

- Thanked the Mayor and Council for their support in the passage of Issue 4 – Renewal of the Road Levy
- Distributed to Council Financial Reports consisting of: Cash Reconciliation, Purchase Orders and Fund Balance Change Analysis for the month ending October 2009
- Recommended passage of Ordinance No. 2009-85 which represents a 2 year contract with the services of LGS to try to keep costs down and to avoid increases in salaries

## **CITY ENGINEER'S REPORT – Richard J. Iafelice, P.E., P.S.**

- Referenced Status Report of November 2009
- SOM Widening and Signalization Project
- ECTW – Area Assessment “C”
- Great Lakes Restoration Initiative Funding – Maplevue Lane Slope Failure

## **FINANCE – Raymond C. Somich, Chair**

**Committee Members:** Nancy E. Fellows, David A. Reichelt

- The Finance Committee has not met; therefore no formal report was given.
- Announced that a Finance Committee will be called to review the Financial Reports for October 2009

## **PLANNING & ZONING – David A. Reichelt, Chair**

**Committee Members:** David M. Fiebig, Frank A. Germano

- The Planning & Zoning Committee has not met; therefore no formal report was given.
- The letter from the Planning & Zoning Committee and Architectural Board of Review (dated October 28, 2009) regarding Signs has been placed in the Planning and Zoning Committee for further review; meeting will be called sometime during the second week of December

## **RECREATION – David M. Fiebig, Chair**

**Committee Members:** Christopher L. Biro, David A. Reichelt

- The Recreation Committee has not met; therefore no formal report was given.

## **RULES & LEGISLATION – Kevin D. Malecek, Chair**

**Committee Members:** Frank A. Germano, David A. Reichelt

### **COMMITTEE MEETING OF NOVEMBER 9, 2009**

**Members Present:** Vice President David A. Reichelt , Chair, Councilman Frank A. Germano

**Also Present:** Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Somich, Mayor Robert M. Weger, Law Director Thomas G. Lobe

**Purpose of the Meeting was to discuss Pending Legislation and any other business.**

**Meeting convened at 7:05 p.m.**

### ***Order of Business***

- Purpose of the meeting was to review Ordinances 2009-84 , Ordinance No. 2009-85 and Resolution No. 2009-21, all of which were approved by the Committee and recommended for adoption at this evening's meeting.
- The meeting was fairly brief. Public Portion was held from 7:17 p.m. to 7:21 p.m. and the meeting was adjourned at 7:21 p.m.

## **SAFETY – David A. Reichelt, Chair**

**Committee Members:** Christopher L. Biro, David M. Fiebig

### **COMMITTEE MEETING OF NOVEMBER 9, 2009**

**Members Present:** Vice President David A. Reichelt , Chair, Councilman Christopher L. Biro

**Also Present:** Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman Somich, Mayor Robert M. Weger, Law Director Thomas G. Lobe

**Purpose of the Meeting was to discuss Recent Correspondence from Local 3149 -Various Safety Issues and any other business.**

- The Meeting convened at 7:24 p.m., we went to 9:05 p.m. and then adjourned briefly for a recess; reconvened at 9:11 p.m.
- Public Portion was opened at 9:35 p.m. and was held for 10 minutes.
- The purpose of the meeting was to discuss the correspondence received from Firefighters Local 3149
- As you can see from the length of the times, it was a lengthy meeting; it was quite detailed
- The Committee went through the letter point by point with a pretty spirited discussion and drilled down all the concerns that were aired by the Fire Department personnel present that evening.
- We expect to receive a letter from them rescinding portions of the letter and we are awaiting that correspondence.
- Everyone went away from the meeting understanding that we just need to communicate more and make sure that we are addressing the needs of the Fire Department adequately.
- Very beneficial meeting.
- The Meeting adjourned at 9:47 p.m.

**SERVICE – Nancy E. Fellows, Chair**

**Committee Members:** Christopher L. Biro, Frank A. Germano

- The Service Committee has not met; therefore no formal report was given.
- Announced that a Service Committee meeting will be called to review recommendations that will be made for Road Projects and to discuss any Drainage Issues

**UTILITIES – Frank A. Germano, Chair**

**Committee Members:** Nancy E. Fellows, Raymond C. Somich

- The Utilities Committee has not met; therefore no formal report was given.
- Announced that a Utilities Committee meeting has been set for November 23<sup>rd</sup>.
- Letter received from Susan E. Payne of 27306 White Road to Robert M. Weger, dated October 12, 2009 re: Sanitary Sewer System – Area “C” & Parcel #31A007C000040 as copied to Councilman David A. Reichelt and Council Clerk has been placed in the Utilities Committee for further review.

**PERSONNEL RELATIONS – Christopher L. Biro, Chair**

**Committee Members:** Raymond C. Somich, Mayor Robert M. Weger

**COMMITTEE MEETING OF OCTOBER 22, 2009  
(Reported at the Regular Council Meeting of October 22, 2009)**

**Members Present:** Councilman Christopher L. Biro, Chair, Councilman Raymond C. Somich, Mayor Robert M. Weger

**Also Present:** Sgt. Michael Planisek, Detective David Broadwater

**Purpose of the Meeting was to discuss Contract Negotiations – (Police) and any other business.**

**Meeting convened at 5:13 p.m.**

***Order of Business***

Order of Business was Police Labor Negotiations.

Committee moved to Executive Session at 5:15 p.m. With all Members of the Committee present, the Meeting reconvened at 6:03 p.m.

No one spoke at Public Portion and the Meeting adjourned at 6:04 p.m.

**COMMITTEE MEETING OF NOVEMBER 5, 2009**

**Members Present:** Councilman Christopher L. Biro, Chair, Councilman Raymond C. Somich, Mayor Robert M. Weger

**Also Present:** Sgt. Michael Planisek, Detective David Broadwater, Officer Jim Vitale

**Purpose of the Meeting was to discuss Contract Negotiations – (Police) and any other business.**

**Meeting convened at 5:06p.m.**

## *Order of Business*

Order of Business was Police Labor Negotiations.

Committee moved to Executive Session at 5:06 p.m. With all Members of the Committee present, the Meeting reconvened at 6:08 p.m.

No one spoke at Public Portion and the Meeting adjourned at 6:10 p.m.

### **WORKING COMMITTEE OF COUNCIL** – Kevin D. Malecek, President of Council

- In the absence of President Malecek, President Pro-tem Reichelt stated that the Working Committee of Council has not met; therefore no formal report was given.

### **OTHER COUNCIL REPRESENTATIVE REPORTS**

- President Pro-tem Reichelt reported on the Noise Abatement Council Meeting that occurred at the Cuyahoga County Airport held on October 27, 2009. As Chair, President Pro-tem Reichelt convened the meeting at 10:05 a.m. There were 14 of the 20 members present; also there were 3 constituents that were there from various communities. The Joint Statement was reviewed, the Joint Statement is a legal document that is following up on the Noise Abatement Policy/Procedure that was already adopted by the members of the Committee at a prior meeting. The Joint Statement is under review by the various entities and their Law Departments and we hope to adopt that at the next meeting which is scheduled for March 31<sup>st</sup> at 10:00 a.m. We also talked about the noise complaint process; trying to streamline that process and make it more effective for both the airport and for the cities and we already have had one incident where the procedure worked. We also reviewed the noise complaints for the third-quarter of 2009 and had a nice discussion with the residents that had attended and with a representative from Cleveland Heights.

### **PUBLIC PORTION**

Section 107.08 – Public Meetings of Municipal Bodies of the Codified Ordinances of the City of Willoughby Hills:

(a) All meetings of any municipal body are declared to be public meetings open to the public at all times. All meetings shall provide a reasonable opportunity to hear public opinion.

Public Portion was opened at 7:31 p.m. with no one coming forth from the public sector; Public Portion was closed at 7:31 p.m.

### **UNFINISHED BUSINESS**

- There was no unfinished business brought forth to Council.

### **LEGISLATION**

#### **ORDINANCE NO. 2009-84**

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A CONTRACT FROM MIAMI VALLEY INTERNATIONAL TRUCKS WITH A LEASE AGREEMENT THROUGH KANSAS STATE BANK OF MANHATTAN FOR THE LEASE TO PURCHASE ONE 2008 INTERNATIONAL 7500 WITH DUMP BODY AND CENTRAL HYDRAULIC SYSTEM WITH SPREADER AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Somich to suspend the Two Day Notification Rule for Ordinance No. 2009-84.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that the Two Day Notification Rule for Ordinance No. 2009-84 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2009-84.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that the Three Reading Rule for Ordinance No. 2009-84 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Fiebig to adopt Ordinance No. 2009-84.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that Ordinance No. 2009-84 has been adopted.**

#### **ORDINANCE NO. 2009-85**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO SIGN THE LETTER OF ENGAGEMENT TO CONTRACT THE SERVICES OF THE LOCAL GOVERNMENT SERVICES (LGS) SECTION OF THE OFFICE OF THE AUDITOR OF STATE AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2009-85.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that the Three Reading Rule for Ordinance No. 2009-85 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilwoman Fellows to adopt Ordinance No. 2009-85.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that Ordinance No. 2009-85 has been adopted.**

#### **RESOLUTION NO. 2009-21**

**A RESOLUTION RECOGNIZING NOVEMBER 15 – 21, 2009 AS NATIONAL HUNGER AND HOMELESSNESS AWARENESS WEEK AND IDENTIFYING NOVEMBER 21, 2009 AS HOMELESSNESS AWARENESS DAY IN LAKE COUNTY.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Fiebig to suspend the Three Reading Rule for Resolution No. 2009-21.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that the Three Reading Rule for Resolution No. 2009-21 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to adopt Resolution No. 2009-21.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that Resolution No. 2009-21 has been adopted.**

#### **NEW BUSINESS**

- There was no unfinished business brought forth to Council.

#### **FOR THE GOOD OF THE ORDER**

- Councilman Somich announced that Project Hope for the Homeless is in need of items such as plastic ware (spoons, forks, bowls, cups), Lysol spray, HE laundry detergent, vinyl pillowcase covers, coffee (regular and decaf), bleach, sugar, boxes of cereal, garbage bags, men's gloves, men's heavy winter socks, hand warmers.
- Councilman Somich announced that Project Hope will be hosting an Open House at the Painesville location on Saturday, November 21, 2009 – cash donations are welcomed as well as product and merchandise. The website is [www.projecthopeonline.org](http://www.projecthopeonline.org)

- Penitentiary Glen will open its free exhibit for the Holidays on Saturday, November 21<sup>st</sup>.
- Councilman Biro announced that Coats for Kids will be collecting coats – drop off site is located at BJ in Willoughby.
- Councilman Somich announced that 1<sup>st</sup> Lt. Lacey Rector, from Willoughby Hills, is mentioned in an international story that has been circulated on the internet and in a number of different publications. Lacey is in the 1<sup>st</sup> Brigade Combat Team, 1<sup>st</sup> Cavalry Division and in part of an effort by many of our military over there to reconstruct three schools over in the Baghdad area and those schools were officially reopened November 5<sup>th</sup>.
- Mayor Weger announced the Toys for Tots Campaign is underway; the Fire Department is doing their part in collecting toys – unwrapped toys can be brought to City Hall or the Fire Station. Toys will be collected until December 15<sup>th</sup>.
- President Pro-tem Reichelt wanted to remind everyone that Christmas Card Lane will be opened on December 1<sup>st</sup>.

## **ADJOURNMENT**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Fiebig to adjourn until the next Regular Council Meeting.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that this Meeting of Council is adjourned.**

**Meeting adjourned at 7:47 p.m.**

**APPROVED:**

*December 9, 2009*  
Date

**ATTEST:**

*Victoria Ann Savage*  
Victoria Ann Savage, CMC  
Clerk of Council

*Kevin D. Malecek*  
Kevin D. Malecek  
President of Council